

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of the
OPERATING ENGINEERS LOCAL 324 HEALTH CARE PLAN, *et al*

Plaintiffs,

Case No. 09-10768
Honorable JOHN CORBETT O'MEARA

v.

BIG FOOT CONSTRUCTION LLC,

Defendant.

DEFAULT JUDGMENT

Plaintiffs filed a motion for summary judgment on April 21, 2009. This Court thereafter ordered the defendant to obtain counsel and file a response to plaintiffs' motion by June 30, 2009 under threat of default. Defendant has failed to comply with this Court's order. Additionally, pursuant to E.D.Mich.L.R.7.1(b), the defendant was required to file a written response to plaintiff motion if it opposed that motion. Defendant has failed to comply with that requirement, and plaintiffs' motion is therefore unopposed.

WHEREFORE, the relief requested in plaintiffs' summary judgment is hereby awarded by default. This Court finds that defendant is bound by the collective bargaining agreements to remit fringe benefit contributions on a monthly basis, and that it breached those agreements by failing to remit those contributions. Plaintiffs audit determined that defendant owes \$10,107.25 in unpaid contributions and \$1,005.07 in contractual and statutory liquidated damages in the period between January 2008 and December 2008, which this Court finds that plaintiffs are entitled to under contract and federal law. In addition, plaintiffs have submitted an affidavit of costs and attorney's fees

totaling \$1,438.00, which this Court finds is a reasonable amount and to which plaintiffs are entitled under federal law and equity.

Accordingly, plaintiffs are hereby awarded \$12,550.32, and they shall execution thereof from the defendant.

s/John Corbett O'Meara
United States District Judge

Date: July 23, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 23, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager